



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 2142-02  
29 August 2002

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Marine Corps Reserve filed enclosure an application with this Board requesting that his record be corrected to show that the anniversary year ending on 13 November 1998 is qualifying for reserve retirement.

2. The Board, consisting of Mr. Pfeiffer, Mr. Caron and Mr. Grover, reviewed Petitioner's allegations of error and injustice on 27 August 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner states in his application that he was aware that he needed 50 retirement points in order to earn a qualifying year. Therefore, he actually performed sufficient drills to earn a qualifying year. It was only later that he discovered that he had only been credited with 47 retirement points in the anniversary year ending 13 November 1998. He attempted to resolve his problem by having the mustering officer at the time submit muster sheets. However, he was unsuccessful because muster sheets cannot be reconstructed.

d. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps which indicates that the requested change cannot be made administratively, but recommends that the Board move three retirement points from the anniversary year ending 13 November 1997 into the anniversary year ending 13 November 1998.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the circumstances, the Board believes that Petitioner probably attended the drills, even though they cannot now be properly documented. Therefore, the Board agrees with the advisory opinion that the best way to correct the record is to move three retirement points into the year at issue. This will result in a qualifying anniversary year, which is the actual reason for this application. Therefore, the Board concludes that three retirement points should be moved from the anniversary year ending 13 November 1997 into the anniversary year ending 13 November 1998.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the change in his retirement point record.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by moving three retirement points from the anniversary year ending 13 November 1997 into the anniversary year ending 13 November 1998.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

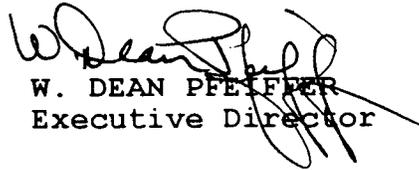
ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby

announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director